

- III. An in-determinant number of additional species, not illustrated, but described in paragraphs 027-028 of the specification.

In response to the election requirement, the Applicant first respectfully submits that the present invention contains various embodiments of a single inventive concept. All of the embodiments contain the features presently recited in claim 11 which is currently generic to all of the species of the invention. Moreover, the Applicant believes that claim 11 is allowable and consequently all species of the invention should be prosecuted in one and the same application for efficiency reasons. It is respectfully submitted that all of the species of the invention represent similar ways of obtaining the same desired results disclosed within this application.

In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

Notwithstanding the above, in order to fulfill the Examiner's request, the Applicant provisionally elects, with traverse, to prosecute the species of the claimed invention shown in Species II, namely, the second species shown in Figures 2 and 3, i.e., the 180 degree bend. The Applicant also provisionally elects, with traverse, at least claims 11, 12, 14, 15, 17 and 19 which are all believed to be readable on the elected species to be prosecuted on the merits. In view of such election, it is respectfully submit that submission of a new drawing is not currently required to show the elected species.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s). In the event

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of reinstatement, the Applicant will enter any necessary new drawing(s) which may be required with respect to the allowed claims.

In the same official action, the Examiner also requires restriction, under 35 U.S.C. § 121, between one of the following groups of claims:

- I. Group I, claims 11, 12, 14, 15, 17 and 19 drawn to a heat collector apparatus;
- II. Group II, claims 13, 16, and 20 drawn to a method of making a heat collector apparatus; or
- III. Group III, claim 18 drawn to a method of installing a heat collector apparatus in the ground.

In response to the restriction requirement, the Applicant elects the invention disclosed in Group I, namely, claims 11, 12, 14, 15, 17 and 19 and it is requested that, without further action thereon, claims 13, 16, 18 and 20 be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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